

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL RODRIGUEZ CORTEZ, et al.,
Plaintiffs,
v.
COUNTY OF MERCED, et al.,
Defendants.

Case No. 1:20-cv-00161-NONE-SAB

**ORDER VACATING ALL DATES AND
STAYING ACTION FOR COMPLETION OF
ALTERNATIVE DISPUTE RESOLUTION**

(ECF No. 12)

On January 30, 2020, Miguel Rodriguez Cortez and Desiree Mercado (“Plaintiffs”) filed this action against the County of Merced, the Merced County Sheriff’s Office, and Vernon H. Warnke. (ECF No 1.) Defendants Merced County and Vernon H. Warnke filed an answer on February 26, 2020, and the Merced County Sheriff’s Office filed an answer on February 27, 2020. (ECF Nos. 8, 9.) On March 18, 2020, Plaintiffs filed a first amended complaint that named Damian Sparks, Joseph Royel, Julio Ibarra Perez, and Nasir Wali, in addition to the originally named defendants (collectively “Defendants”). (ECF No. 10.)

On April 6, 2020, the parties filed a stipulation to stay this action to allow for the parties to attend mediation or a settlement conference. (ECF No. 12.) The Court has reviewed the terms of the parties' stipulation and finds good cause to stay this action.

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1 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that:

- 2 1. All pending dates in this matter are VACATED;
- 3 2. This matter is STAYED for the parties to engage in alternative dispute resolution;
- 4 3. The service of process on Defendants Damian Sparks, Joseph Royel, Julio Ibarra
Perez, and Nasir Wali is stayed, and the time-limits imposed in Fed. R. Civ. P.
5 4(m) are tolled for good cause, until the conclusion of the parties' early alternative
6 dispute resolution efforts and, thereafter, Plaintiffs shall have 90 days to complete
7 service of process on the Defendants Damian Sparks, Joseph Royel, Julio Ibarra
8 Perez, and Nasir Wali;
- 9 4. The time to file a response to the First Amended Complaint by Defendants
10 County of Merced, Merced County Sheriff's Office, Vernon H. Warnke, and
11 Damian Sparks is stayed, and the time-limits imposed by Fed. R. Civ. P. 12(a)(1)
12 are tolled for good cause, until the conclusion of the parties' early alternative
13 dispute resolution efforts and, thereafter, Defendants County of Merced, Merced
14 County Sheriff's Office, and Vernon H. Warnke shall have twenty-one (21) days
15 to file a response to the first amended complaint;
- 16 5. There shall be a stay on discovery in this matter, until the conclusion of the
17 parties' early alternative dispute resolution efforts, except for Defendants securing
18 (through formal or informal discovery, as agreed by the parties) the remaining
19 medical records concerning Plaintiff Cortez's injuries and condition;
- 20 6. Within fifteen (15) days of the entry of this stipulation, the parties shall meet and
21 confer about the most efficient method of securing the remaining medical records;
- 22 7. The parties' counsel shall agree on either a magistrate judge,¹ or private mediator
23 within twenty-one (21) days of the entry of this stipulation and order; and, within
24 thirty (30) days of Defendants receiving the remaining medical records, the
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27 ¹ If the parties wish to attend a settlement conference with a magistrate judge, the parties are directed to contact
28 Mamie Hernandez, Courtroom Deputy Clerk, at (559) 499-5672, to arrange an available date and time with a
magistrate judge.

1 parties shall select an agreed date for either a settlement conference or mediation;
2 and hold the settlement conference or mediation within forty-five (45) days
3 thereafter;

- 4 8. If any party fails to comply with the terms of the parties' stipulations, that failure
5 to comply shall be deemed the conclusion of the parties' early alternative dispute
6 resolution efforts; and
7 9. The parties shall file a joint status report within one hundred and twenty (120)
8 days, informing the Court whether this action has settled or whether a scheduling
9 conference should be set.

10 IT IS SO ORDERED.
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12 Dated: April 6, 2020



UNITED STATES MAGISTRATE JUDGE

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